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8  
9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA, }  
Plaintiff, } CASE NO: 2:20-cr-003-APG-EJY-2  
vs. } **STIPULATION TO CONTINUE  
EVIDENTIARY HEARING AND  
PRETRIAL MOTION DEADLINE**  
JORGE ALFREDO SOTO, } (Ninth Request)  
Defendant. }

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IT IS HEREBY STIPULATED AND AGREED by JORGE SOTO, by and through his attorney, CHRISTOPHER R. ORAM, ESQ., and the United States of America, by and through MELANEE SMITH, ESQ., Assistant United States Attorney, that the evidentiary hearing currently scheduled for June 07, 2022, at 9:30 a.m., be continued for a period of one hundred and twenty (120) days to a date and time convenient to the Court.

It is further stipulated that the pretrial motion deadline be reset in this case for the limited purpose of investigating and litigating issues related to possible intellectual deficiencies with respect to Defendant Soto. The parties stipulate that the pretrial motion deadline be reset to a date that is thirty (30) days past the evidentiary hearing date to allow the parties to address any pretrial issues that arise with respect to Mr. Soto's intellectual deficiency issues. The parties request that the Court schedule response and reply dates to follow the motion deadline at the Court's direction.

1 These requests are based upon the following:

- 2     1. Defense Counsel has informed the Government that Mr. Soto may suffer  
3         from intellectual deficiencies.
- 4     2. On May 05, 2022 the Court granted the Government's Motion for Mental  
5         Examination of Defendant [ECF No. 127]. As of the date of this  
6         Stipulation, the Government is in the process of coordinating the mental  
7         examination.
- 8     3. This continuance will necessitate a continuance of the calendar call and  
9         trial dates. The parties will submit a separate stipulation regarding that  
10         continuance.
- 11     4. JORGE SOTO is not in custody, and he does not oppose the requested  
12         continuance.
- 13     5. The Government has no objection to the continuance.
- 14     6. Denial of this request for continuance would deny the defendant the  
15         opportunity to effectively prepare for trial.
- 16     7. The additional time requested herein is not sought for purposes of delay.
- 17     8. Additionally, denial of this request for continuance could result in a  
18         miscarriage of justice.

DATED: May 23, 2022

Respectfully submitted,

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/s/ Melanee Smith  
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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10       \* \* \*

11       UNITED STATES OF AMERICA,    } CASE NO: 2:20-cr-003-APG-EJY-2  
12    } Plaintiff,  
13    }  
14    } ORDER  
15    } (Ninth Request)  
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15 **FINDINGS OF FACT**

16       Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
17 Court finds:

- 19       1. Defense Counsel has informed the Government that Mr. Soto may suffer  
20    from intellectual deficiencies.
- 21       2. On May 05, 2022 the Court granted the Government's Motion for Mental  
22    Examination of Defendant [ECF No. 127]. As of the date of the Stipulation,  
23    the Government is in the process of coordinating the mental examination.
- 24       3. This continuance will necessitate a continuance of the calendar call and trial  
25    dates. The parties will submit a separate stipulation regarding that  
26    continuance.
- 27       4. JORGE SOTO is not in custody, and he does not oppose the requested  
28    continuance.
5. The Government has no objection to the continuance.

6. Denial of this request for continuance would deny the defendant the opportunity to effectively prepare for trial.
  7. The additional time requested herein is not sought for purposes of delay.
  8. Additionally, denial of this request for continuance could result in a miscarriage of justice.

## **CONCLUSION OF LAW**

The ends of justice served by granting said continuance outweigh the best interests of the public and the defense, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant sufficient time and the opportunity within which to be able to effectively and thoroughly investigate potential issues and prepare for trial, taking into account the exercise of due diligence.

## ORDER

IT IS THEREFORE ORDERED that the evidentiary hearing currently scheduled for June 07, 2022, at the hour of 9:30 a.m. be vacated and continued to the 19th day of October, 2022, at the hour of 9:00 a.m. in Courtroom 3B.

IT IS FURTHER ORDERED that the pretrial motions are due by the 18th day of November, 2022; Responses are due by the 2nd day of December, 2022; and Replies (if any) are due by the 9th day of December, 2022.

DATED this 24th day of May, 2022.

Elyna J. Zouchal  
UNITED STATES MAGISTRATE JUDGE